

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

Adelita Enterprises, Inc.
Debtor(s)

19-22237 CMB
Chapter 11 Proceeding

Citizens Bank, N.A. s/b/m to Citizens Bank
of Pennsylvania

Movant(s)

Related to Document No.

Response Deadline:

v.

Hearing Date:

Adelita Enterprises, Inc.

Respondent(s)

FILED

2019 AUG 20 P 4: 23

CLERK
U.S. BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

**MOTION TO RECONSIDER THE
AMENDED MOTION FOR RELIEF FROM THE AUTOMATIC STAY
OF SECURED CREDITOR**

AND NOW, comes secured Creditor, Citizens Bank, N.A. s/b/m to Citizens Bank of Pennsylvania (Movant) by and through its counsel, Mary F. Kennedy, and files this Motion for Relief from Stay of 11 U.S.C. § 362(a) and to Obtain an In-Rem Order as to the property located at 210 Birch Avenue, Mount Lebanon, PA 15228 pursuant to §362 (d)(4) and avers the following.

1. On or about June 3, 2019 Debtor(s) filed a Chapter 11 Bankruptcy Petition.
2. In Schedule A/B Debtor states that it owns real property located at 210 Birch Avenue, Mount Lebanon, PA 15228 ("property").
3. Movant holds a security interest in the property.
4. Debtor is not Movant's mortgagor/borrower.
5. In 2003 Sidney M. Etkins and Susan Etkins executed a Mortgage and Note (Sidney M. Etkins only executed the Note) to Citizens Bank of Pennsylvania. The Mortgage gave the lender a security interest in the property. The Mortgage was recorded in the Allegheny County Department of Real Estate on December 1, 2003 in book 26602 page 137. See Exhibit "A" attached hereto and made a part hereof.
6. Movant commenced a mortgage foreclosure action in Allegheny County on July 20, 2015, Case No. MG-15-001060.

7. Sidney M. Etkins and Susan Etkins Submitted Loan Modification Docs and payments to the Citizens Bank (Movant).
8. However the Movant was very discriminatory against Sidney M. Etkins and Susan Etkins because of their Jewish Religion and culture. A complaint has been filed by them with HUD and Bureau of consumer finance and banking. See Exhibit A
9. The Movant, Citizens Bank, expressed and showed the same kind of behavior to new owners, Prasad Bandhu / Village Burgers, who was Indian / Black in ethnicity.
10. Sidney M. Etkins and Susan M. Manning deeded the property to Village Burgers Inc. on February 23, 2017. The deed was recorded on March 21, 2017 in the Allegheny County Department of Real Estate in book 16733 page 316.
11. Adelita Enterprises, Inc. owns the property since May 31, 2019. The deed was recorded on May 31, 2019 in the Allegheny County Department of Real Estate in book 17638 page 11.
12. Adelita, The respondent, has invested money into property repairs and has obtained a new lease with tenant for 210 Birch for \$850 per month. The tenant is willing to make adequate protection payments to Movant in the amount to cover reinstatement of mortgage.
13. However, Citizens Bank, The Movant is not inclined with working anything with minorities or colored people.
14. The Movant sent counsel of record documentation stating that client maybe eligible for Loan modification. On July 2019. Hence documents were signed and sent to Citizens Bank, The Movant. See Exhibit B
15. The Movant has still not considered and accepted the Loan Modification. This confirms their discriminatory behaviors.
16. The balance of the mortgage is \$146,227 as per WRIT filed by Movant. See Exhibit C.

17. Hence this clearly shows that there is enough money to pay the mortgage and make adequate protection payments from Debtor to the Movant.
18. There are also a series of emails from previous owner Sidney Etkins to do a loan modification but was never consummated. Things were promised in the emails by Movant and they did not perform. Same story is happening to Debtor, Adelita. See Exhibit D for emails with Movant and Sidney Etkis.
19. The Debtor, Adelita, will be filing an discriminatory Lawsuit with EEOC in federal court . Hence, it is crucial to keep this case pending in Bankruptcy Court so that this adversary action can be initiated.
20. The Debtor's Counsel Salene Kraemer state they she would file a response as she believed it was to easrly for Movant to act this way. However shje did not.
21. Also, due to the fact that Debtor did not have counsel to help or look after Debtors interest, the filing by Citizens should be MOOT and void. Again a sign that Movant Citizens has no heart).

WHEREFORE, Debtor respectfully requests this Honorable Court ORDER:

1. That Relief from the Automatic Stay be NOT granted to Citizens Bank, N.A. s/b/m to Citizens Bank of Pennsylvania so that Movant may follow federal NON-Discrimatory Laws; and
2. That Citizens Bank, N.A. s/b/m to Citizens Bank of Pennsylvania is to accept adequate protection payments against principal of loan in interim; and
3. That Citizens Bank diligently reviews the loan modification paperwork and reinstates mortgage at 210 Birch Avenue, Mount Lebanon, PA 15228 ; and
4. Debtor is finalizing with new counsel and should be given a chance to handle this with new counsel

In this day and age where Discriminatory Behavior, is being abolished, this bank should not be allowed to take advantage of victims as they are doing.

RESPECTFULLY SUBMITTED,

Adela Perez

/s/ Adela Huser Perez.

Dated: August 19, 2019

ADELITA ENTERPRISES INC

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412-863-9441